

**REMARKS**

Entry of the foregoing and favorable reconsideration and reexamination of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 1.116, and in light of the remarks which follow, are respectfully requested.

By the present amendment, claim 15 has been amended to solely recite the RSV promoter. Support for this amendment appears at least on page 7 of the application as filed. Applicants submit that no new matter has been added via this amendment.

**35 U.S.C. § 112, first paragraph**

Claims 15 and 17-19 have been rejected under 35 U.S.C. § 112, first paragraph, as containing new matter. Claim 15 has been amended to recite solely the RSV promoter which should render this rejection now moot. Applicants respectfully request withdrawal of this rejection of the claims.

**Obviousness-Type Double Patenting**

Claims 15 and 17-19 have been rejected under the judicially created doctrine of obviousness-type double patenting. Applicants are enclosing a Terminal Disclaimer, which should render this rejection moot.

**Summary**

From the foregoing, favorable action in the form of a Notice of Allowance is respectfully requested and earnestly solicited.

Respectfully submitted,

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